

## LABOUR AND EMPLOYMENT DEPARTMENT

The 13th March, 1967

No. 187 4-3-Lab-67/5508.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and management of M/s. Free Wheel (India) Ltd., N. I. T., Faridabad.

BEFORE SHRI HANSRAJ GUPTA, PRESIDING OFFICER, LABOUR COURT, ROHTAK

REFERENCE No. 62 OF 1966

BETWEEN THE WORKMEN AND THE MANAGEMENT OF M/S FREE WHEELS (INDIA) LTD., N.I.T., FARIDABAD

Present:—

Shri Data Ram, Claimant with Shri Ragbir Parshad Sharma, on behalf on the workmen.

Shri S. L. Gupta, on behalf of the management.

## AWARD

An industrial dispute having arisen between the workmen and the management of M/s Free Wheels (India) Ltd., N. I. T. Faridabad, the Government of Haryana by means of their gazette notification No. 64-SFIII-Lab-66/1972, dated 1st December, 1966, and in exercise of the powers conferred on them by Section 19 (1) (c) of the Industrial Disputes Act, 1967 have referred to this Court for adjudication the matter mentioned below :—

Whether the dismissal of Shri Data Ram, was justified and in orders If not, to what exact relief/ exact compensation he is entitled?

Usual notices were issued to the parties and in response thereto the workmen filed their statement of claim and the respondent management filed their written statement. The workmen pleaded that the dismissal of Shri Data Ram, was wrongful illegal and against the principles of natural justice and that no proper enquiry was held against him into the charges levelled against him by the management and the charges were not proved. The management in their written statement pleaded that the workman Shri Data Ram, was guilty of certain misconducts and a charge-sheet was issued to him and he submitted his explanation to that charge-sheet but as the same was not found satisfactory, a domestic enquiry was held against him in accordance with the principles of natural justice and Shri Data Ram, was dismissed because the charges proved against him were of a serious nature.

The following issues were framed in the case :—

1. Whether the workman Shri Data Ram, has been dismissed by the management as a result of a proper and fair domestic enquiry held against him?
2. If issue No. 1 is decided against the management, whether the dismissal of Shri Data Ram, is justified and in order and if not, to what exact relief/exact compensation he is entitled?

*Issue No. 1.*—The management have produced as their witness, Shri S. C. Jain, the Personnel Manager of the respondent Factory. He held the domestic enquiry against Shri Data Ram into the charges contained in the charge-sheet Ex. H/1. Ex. H/2 is the explanation submitted by Shri Data Ram, and in the this explanation he has denied the charges levelled against him. The management were not satisfied with this explanation and therefore an enquiry was held by Shri S. C. Jain. The Enquiry Officer has stated on oath that the enquiry proceedings Ex. R. P./3 covering nine pages were correctly recorded by him in his own hand-writing. Shri Data Ram, in his statement made before this Court as his own witness has admitted that the charge-sheet Ex. RP/1 was served on him by the management and that he submitted the explanation Ex. RP/2. He also admits that the enquiry was held by Shri S. C. Jain, and was completed in one day and he (Data Ram) was present throughout the enquiry. Ex. R.P./8 is an application which Shri Data Ram, gave to the Enquiry Officer requesting that one Shri Sant Ram may be permitted to assist him in the enquiry. This application was granted by the Enquiry Officer and Shri Sant Ram acted as the representative of Shri Data Ram in the enquiry proceedings and was present with him throughout the enquiry. Shri Data Ram in his testimony before this Court in these proceedings has denied that he ever made a request to be assisted by Shri Sant Ram or that Shri Sant Ram ever assisted him. He says that what he requested was that he may be allowed to bring a representative of the union with him. This statement is falsified by Ex. R.P./8 which shows that the claimant Shri Data Ram specifically requested the Enquiry Officer to permit him to be assisted by Shri Sant Ram. The presence of Shri Sant Ram in the enquiry proceedings is admitted even by Shri Data Ram. The Enquiry Officer has stated on oath that Shri Sant Ram was present in the enquiry proceedings on behalf of Shri Data Ram as his representative. I have no reason to doubt this testimony of the Personnel Manager of the respondent factory. Shri Data Ram admits his signatures at 'A' on page one of the enquiry proceedings Ex. R.P./3, Shri Data Ram knows Hindi and these signatures are in Hindi. The writing above these signatures shows that he admitted the first four charges contained in the charge-sheet against him. The management produced some witnesses to prove the fifth charge and these witnesses have been cross-examined by Shri Data Ram and his representative. The cross-examination of these witnesses is in the form of questions and answers. After the close of the management's evidence Shri Data Ram made a statement before the Enquiry Officer that he did not want to produce any witness for defence. This statement is signed by Shri Data Ram and he admits his signatures below this statement which is also in Hindi. The Enquiry Officer has given the report Ex. R.P./4. In this report he has discussed the evidence produced before him and he came to the conclusion that even the fifth charge levelled against Shri Data Ram has been proved by the management. As stated above the



first four charges were admitted by Shri Datta Ram before the Enquiry Officer at the start of the enquiry. Ex. R.P./5 is the order passed by the managing director of the respondent concern agreeing with the findings of the Enquiry Officer and ordering dismissal of Shri Datta Ram. Ex. Rs/6 is the letter intimating the dismissal orders to Shri Datta Ram. The statement made by Shri Datta Ram in these proceedings is not trustworthy. He has stated that he was on weekly rest on 17th July, 1966 and fell ill and therefore obtained sick leave for 18th July, 1966 and came to duty three hours late on 19th July, 1966 due to his illness. Ex. RP/9 is the leave application dated 17th July, 1966 by Shri Datta Ram. In this application he has stated that he had an urgent piece of work at home and therefore may be granted leave for 18th July, 1966. This disproves his version that he was ill on 18th July, 1966 and therefore could not come in time on 19th July, 1966. No circumstances have been brought to my notice on the basis of which I can say that the enquiry held by the management was not fair and impartial. The statement of the Enquiry Officer proves that all principles of natural justice were observed while holding the enquiry. The workmen have failed to prove that the present enquiry is vitiated for want of good faith on the part of the management or on account of victimization of the claimant or any unfair labour practice. The workmen have not proved that the Enquiry Officer or the management have committed any basic error in the conduct of the enquiry or have violated any principle of natural justice. It has not been proved that from the materials on the record the finding of the Enquiry Officer is completely baseless or perverse. According to the judgement of the Supreme Court reported as 1958-1-LLJ-260, an enquiry can be held to be vitiated on the above grounds alone. No such ground has been made out by the workmen in the present proceedings. I, therefore, decide issue No. 1 in favour of the management and hold that Shri Datta Ram has been dismissed by them as a result of a proper and fair domestic enquiry held against him.

#### Issue No. 2

In view of my finding on issue No. 1, issue No. 2 does not arise.

The result is that the workman Shri Datta Ram is not entitled to any relief from the management in respect of his dismissal by them. His claim is hereby dismissed. In the circumstances of this case, I make no order as to costs.

This award is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

The 14th March, 1967

No. 1836-3Lab. 67/5404.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and management of M/s Bhiwani Transport Co. (Sethi Group) Rohtak.

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT, ROHTAK

REFERENCE NO. 64 OF 1966

between

THE WORKMEN AND THE MANAGEMENT OF M/s BHIWANI TRANSPORT CO.  
(SETHI GROUP) ROHTAK.

Present :—

Shri S. N. Vats on behalf of the workmen.

Shri Ujjagar Singh Sethi, Partner of the respondent concern.

#### AWARD

An industrial dispute having arisen between the workmen and the management of M/s Bhiwani Transport Co. (Sethi Group), Rohtak, the Government of Haryana by means of their gazette notification No. 61-SFIII-Lab-66/1981, dated 1st December, 1966 and in exercise of the powers conferred on them by Section 10(1)(c) read with the proviso to that sub-section of the Industrial Dispute Act, 1947 have referred to this Court for adjudication the matter mentioned below :—

Whether the workmen are entitled to the grant of bonus for the year 1964-65 and 1965-66? If so, what should be the terms and conditions and quantum of its payment?

Usual notices were issued to the parties and in response thereto the workmen filed a statement of claim and the respondent management filed their written statement denying the claim of the workmen. The case was fixed for to-day for framing of issues. At to-day's hearing the parties arrived at a settlement and the statements of Shri Ujjagar Singh Sethi partner of the respondent concern and Shri S. N. Vats, authorised representative of the workmen containing the terms of the settlement were recorded. These statements are reproduced below :—

Statement of Shri Ujjagar Singh Sethi on behalf of the respondents on S. A.

"The parties have arrived at a settlement. Under this settlement the management would pay to each workman bonus for the four financial years 1963-64, 1964-65, 1965-66 and 1966-67. The financial year of the respondent management is from 1st March to 28th February. Bonus for an year would be paid equal to the wages of the workman for 26½ days calculated on the basis of the wages drawn by him for the month of February. For example bonus for the year 1963-64 will be paid @ 26½ days wages on the basis of wages drawn for February, 1964. Similarly bonus for 1964-65 will be paid equal to 26½ days wages on the basis of the wages drawn for February, 1965. Similar will be the mode of calculation for the year 1965-66 and 1966-67. Bonus for the year 1963-64 will be paid by the management with the pay of March, 1967 by 7th April, 1967. Bonus for the year 1964-65 will be paid by the management with the pay of May, 1967 by 7th June, 1967. Bonus for the year 1965-66 will be paid with pay of July, 1967 by 7th August, 1967. Bonus for the year 1966-67 will be paid by the management with the pay of September, 1967 by 7th October, 1967. An award may be given accordingly".

251

*Statement of Shri S. N. Vats on behalf of the workmen on S. A.*

"I have heard the statement made above by Shri Ujjagar Singh Sethi on behalf of the management. It is correct. An award may be given accordingly".

I make this award in terms of the aforesaid statements made on behalf of the management and the workmen.

The parties will bear their own cost of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dated : 2nd The March, 1967.

The 16th March, 1967

**No. 1975-3Lab.67/5503.**—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and management of M/s Jain Industrial Corporation and M/s Universal Steel Enterprises, Rohtak:—

**BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT, ROHTAK.**

REFERENCE No. 73 OF 1966

*Between*

**THE WORKMEN AND THE MANAGEMENT OF M/S JAIN INDUSTRIAL CORPORATION AND M/S UNIVERSAL STEEL ENTERPRISES, ROHTAK.**

*Present.*—

Shri Prem Kumar Gupta Claimant in person.

Shri Harish Chand Jain, Manager of M/s Universal Steel Enterprises, Rohtak

Shri Tara Chand, Manager of M/s Jain Industrial Corporation, Rohtak.

**AWARD**

An industrial dispute between Shri Prem Kumar Gupta—an ex-employee of M/s Universal Steel Enterprises, Rohtak and the management of this concern as well as the concern known as M/s Jain Industrial Corporation, Rohtak has been referred to this Court by the State Government under Section 10(1) (c) of the the Industrial Disputes Act, 1947,—*vide* the State Government Gazette notification No. 123-SFIII-Lab-66/3647, dated 22nd December, 1966. The matter referred for adjudication is stated below:—

Whether the termination of services of Shri Prem Kumar Gupta is justified and in order? If not, to what relief he is entitled?

Usual notices were issued to the parties and in response thereto the managements of the two concerns mentioned above filed their written statements. Neither Shri Prem Kumar Gupta nor the union filed any statement of claim before this Court. A copy of the demand notice served by Shri Prem Kumar Gupta, claimant on the managements of the two concerns has been received from the Government with the reference. This is Ex. MW2/1 and is dated 11th July, 1966. In this demand notice the claimant has stated that his services were terminated by the management on 20th June, 1966 without giving him any notice and that the chief reason behind the termination of his services was that he had been one of the active members of Engineering Workers Union, Regd., Rohtak. In their written statement M/s Jain Industrial Corporation, Rohtak denied that the claimant Shri Prem Kumar Gupta had ever been their employee. The other concern M/s Universal Steel Enterprises in their written statement admitted that Shri Prem Kumar Gupta was employed by them with effect from 3rd March, 1966 on a consolidated salary of Rs. 200 P.M. and that with effect from 1st May, 1966 his salary was reduced to Rs. 175 P.M. with his consent. It is stated that the claimant himself abandoned their service with effect from 20th June, 1966, and the management never terminated his services. It is further stated that the matter came up before the Shop Inspector, Rohtak on a complaint by Shri Prem Kumar Gupta and there he accepted his salary in presence of the Shop Inspector in full and final settlement of his claim and that the management gave up their right to deduct one week's wages from him due to them under the Shops and Commercial Establishments Act.



252

The following three issues were framed in the case:—

1. Whether the claimant has left the service of the respondents of his own accord with effect from 20th June, 1966?
2. If issue No. 1 is decided against the management, whether the termination of services of the claimant is justified and in order?
3. Relief.

*Issue No. 1*

The management have produced Shri Sube Singh, Shop Inspector, Rohtak as their witness. Shri Prem Kumar Gupta made a complaint to the Shop Inspector, dated 23rd June, 1966 exhibited as Ex. MW1/1. In this complaint he has stated that the management had verbally terminated his services with effect from 20th June, 1966 and he was, therefore, entitled to one month's salary in lieu of notice in addition to his earned wages. The Shop Inspector called the parties in his office. He came to the conclusion that the management had not terminated the services of the claimant but the latter had himself left their service. The earned wages for the nineteen days of June, 1966 were received by the claimant from the management in full and final settlement of his claim before the Shop Inspector. The management also wrote a letter to the claimant on 18th June, 1966 informing him that he had left the office with their permission or prior intimation. The claimant wrote the letters Exs. MW3/2 and MW3/3 to the management. Shri Sube Singh, Shop Inspector has deposed that the claimant admitted before him that his salary had been reduced to Rs 175 P.M. with effect from 1st May, 1966 with his consent. Shri Harish Chand Jain the managing partner of M/s Universal Steel Enterprises, Rohtak has deposed that the claimant was at first employed as a salesman on Rs 200 P.M. but his work as a salesman was not satisfactory and therefore at his suggestion and with his consent he was appointed a clerk-cum-typist on a salary of Rs. 175 P.M. I have no reason to doubt the testimony of Shri Harish Chand Jain and Sube Singh, Shop Inspector. The fact that the claimant accepted his salary at Rs 175 P.M. for May, 1966 also goes to corroborate the version of the management that the claimant was a consenting party to the reduction of his salary with effect from 1st May, 1966. Shri Sube Singh, Shop Inspector has, further deposed that his enquiries showed that the management did not terminate the services of the claimant but that he himself had left their service. Shri Harish Chand Jain, Manager of the concern corroborates Shri Sube Singh in this respect. The report of the Conciliation Officer, Ex. MW2/2 also supports the version that the services of the claimant were not terminated by the management. In case the version of the claimant that his services were wrongfully terminated by the management were correct, he would have straightway served a demand notice on the management for his reinstatement as he did after a considerable time after his complaint with the Shop Inspector, Rohtak had failed. The only ground given in the demand notice of the claimant is that the management had victimized him on account of his being one of the active members of the union. The claimant has not produced any evidence in this case. He has not dared even himself to step into the witness-box and subject himself to the cross-examination by the management. It is significant that no office-bearer of the union has come forward in these proceedings to conduct his case. Even the demand notice is not signed by any office-bearer of the union. In these circumstances, the plea of the claimant that because he had been an active member of the union, his services were terminated by the management does not appear to have any substance. From the evidence on record, I am satisfied that the version of the management that they did not terminate the services of the claimant but he himself left their service is correct and the position taken up by the claimant is not correct. The claimant made a statement before issues in these proceedings. In that statement he made it clear that he is not prepared to go back in the service of the management on a salary of Rs.175 P.M. which salary he had accepted with effect from 1st May, 1966 and was getting when he left the respondents service. This shows the hollowness of his claim for reinstatement due to alleged wrongful termination of his services. There is one thing more which must be mentioned here. In the demand notice the claimant has impleaded two concerns, namely, M/s Jain Industrial Corporation, Rohtak and M/s Universal Steel Enterprises, Rohtak. In the present reference also both these concerns have made parties because both of them had been mentioned in the demand notice. Actually M/s Jain Industrial Corporation, Rohtak has nothing to do in this case. The several leave applications produced by the management of M/s Universal Steel Enterprises, Rohtak prove that the claimant was in their service upto the last and was not in the service of M/s Jain Industrial Corporation. In the complaint to the Shop Inspector, M/s Jain Industrial Corporation was not made a party by the claimant. Before the Conciliation Officer, Shri Prem Kumar Gupta conceded that he had no dispute with M/s Jain Industrial Corporation, Rohtak and that he worked with M/s Universal Steel Enterprises only. In these circumstances, M/s, Jain Industrial Corporation have been unnecessarily impleaded in the present proceedings. My finding on issue No. 1 is that Shri Prem Kumar Gupta himself left the service of M/s Universal Steel Enterprises, Rohtak with effect from 20th June, 1966 and the management of that concern did not terminate the services of the claimant at all.

## Issue No. 2

In view of my finding on issue No.1, issue No.2 does not arise.

## Issue No. 3

The claimant is not entitled to any relief. His claim is liable to dismissal. The parties will bear their own costs of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Dated the 8th March, 1967.

HANS RAJ GUPTA,  
Presiding Officer,  
Labour Court, Rohtak.

B.L. AHUJA,  
Secretary to Government Haryana,  
Labour and Employment,  
Department.

## REVENUE DEPARTMENT

## POWERS

The 15th March, 1967.

No. 1299-E(III)-67/914.—In pursuance of the provisions of sub-section (i) of Section 12 of the Code of Criminal Procedure, 1898, the Governor of Haryana is pleased to appoint Sarvshri Tejwant Rai and Jagdip Singh, Tehsildars, Municipal Committees, Ambala and Bhiwani, respectively and Shri Chander Bhan Naib-Tehsildar (Municipal

Committee), Panipat as Executive Magistrate of the II<sup>nd</sup> Class for the purposes of making recoveries of the Municipal dues under the provisions of the Punjab Municipal Act, 1911, within the local limits of the respective Municipal Committees.

SUKHDEV PRASAD,

Deputy Secretary, Revenue,  
for the Financial Commissioner, Revenue,  
and Secretary to Government, Haryana,  
Revenue Department.

## CONSOLIDATION OF HOLDINGS

The 13th March, 1967

No. G.A./8584.—In exercise of the powers conferred under sub-section (1) of Section 20 of the East Punjab Holdings (Consolidation and prevention of Fragmentation) Act, 1948, the Governor of Haryana is pleased to appoint Shri Randhir Singh, P. C. S., as Settlement Officer, Consolidation of Holdings, within the limits of Hissar and Rohtak Districts with effect from the 3rd December, 1966, forenoon.

B. S. GREWAL,

Secretary to Government, Haryana.  
Consolidation Department.

## EDUCATION DEPARTMENT

The 18th March, 1967

No. 1576-EdIII(4)-67/6805.—The Governor of Punjab and Haryana is pleased to make the following promotions in the office of the Director of Public Instruction, Haryana, with effect from the dates mentioned against each :—

S. No.	Name	Promoted as	With effect from	REMARKS
1.	Shri Sham Sunder Joshi	Superintendent in the grade of Rs 350—25—500/30—650	1st November, 1966	Against an existing vacancy.
2.	Shri Shanti Sarup Shan	Ditto	1st November, 1966 to 12th May, 1967	Against a leave vacancy of Shri Pritam Singh/Shri Dharam Paul
3.	Shri Trilok Chand	Ditto	1st February, 1967 to 6th April, 1967	Against the leave of Shri Paul

Dated Chandigarh, the  
18th March, 1967.

B. L. AHUJA,

Secretary to Government, Haryana,  
Education Department.